

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

CHAD FARRELL,)

Plaintiff,)

vs.)

DR. ELAINE ELROD,)

VICTOR FINCH,)

Ms. GLOVER Correctional Officer,)

DR. O'BRIEN,)

DR. METCHEFF Regional Director,)

DR. RAJOLI,)

DR. PARSONS, Asst. Regional Director,)

DR. HAYNES,)

THERESE STRAW Director of Nursing,)

CAREY HARRIS Hospital)

Administrator,)

PEN PRODUCTS Employer,)

ARVIN MERITOR Employer,)

L.A. VANNATTA Offender Grievance,)

ROSE VAISVILAS Director Health)

Services,)

CHARLENE BURKETT Ombudsman,)

JOHN DALLAS Prison Medical)

Provider,)

No. 2:12-cv-00186-JMS-DKL

Defendants.

**Entry Discussing Pending Motions and
Dismissing Claims for Injunctive Relief**

I.

The motion to amend complaint [12] is **granted** to the extent that the complaint is amended by interlineation such that the claims as to which the action has proceeded are asserted against the defendants against whom the action is proceeding in their individual capacities only.

The motion to amend complaint [12] is **denied as moot** as to any claim dismissed as legally insufficient in the Entry of August 15, 2012.

II.

The motion for answer [13] is treated as a motion to reconsider the denial of the plaintiff's motion for appointment of counsel in the Entry of August 7, 2012. The motion to reconsider [13] is **denied**. See *Patel v. Gonzales* 442 F.3d 1011, 1015-1016 (7th Cir. 2006) ("A motion to reconsider asks that a decision be reexamined in light of additional legal arguments, a change of law, or an argument that was overlooked earlier . . .").

III.

A.

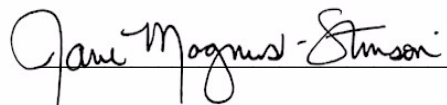
The defendants are being sued in their individual capacities. Although the plaintiff seeks injunctive relief as well as damages, injunctive relief cannot be granted against the defendants in their individual capacities. *Greenawalt v. Indiana Dept. of Corrections*, 397 F.3d 587, 589 (7th Cir. 2005) (noting that 42 U.S.C. § 1983 "does not permit injunctive relief against state officials sued in their individual as distinct from their official capacity") (citing *Luder v. Endicott*, 253 F.3d 1020, 1024-25 (7th Cir. 2001)). Accordingly, the claims for injunctive relief are dismissed pursuant to 28 U.S.C. § 1915A(b) as legally insufficient.

B.

No partial final judgment shall issue at this time as to the claim(s) dismissed in Part III.A. of this Entry.

IT IS SO ORDERED.

Date: 08/31/2012



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

CHAD FARRELL
DOC # 128294
PUTNAMVILLE CORRECTIONAL FACILITY
Inmate Mail/Parcels
1946 West U.S. Hwy 40
Greencastle, IN 46135